IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 22948 of 2007(F)

PETITIONERS:

1. **N.K.AJITHKUMAR, AGED 38 YEARS, S/O.N.K.KUMARAN, RESIDING AT NARIKUZHIYIL, UMBDI P.O., THOTTAKKADU, KOTTAYAM DISTRICT, WORKING AS JUNIOR HEALTH INSPECTOR GRADE-II, KOTTAYAM MUNICIPALITY.**

2. **SOMASUNDARAM .M., AGED 30 YEARS, S/O.D.MONY, RESIDING AT NETAJI NAGAR, MULLAMKUZHI, H.NO.14, COLLECTORATE P.O., KOTTAYAM, WORKING AS JUNIOR HEALTH INSPECTOR GRADE-II, KOTTAYAM MUNICIPALITY.**

3. **ANJU K.THAMPY, AGED 32 YEARS, S/O.K.K.JANARDHANAN, RESIDING AT KUMARAMANGALAM HOUSE, POTHENPURAM P.O., PAMPADY, KOTTAYAM, WORKING AS JUNIOR HEALTH INSPECTOR GRADE-II, KOTTAYAM MUNICIPALITY.**

4. **PRAKASH.T., AGED 34 YEARS, S/O.THAMKAN, RESIDING AT VADAKKEKARA VEEDU, MUTTAMBALAM P.O., KOTTAYAM, WORKING AS JUNIOR HEALTH INSPECTOR GRADE-II, KOTTAYAM MUNICIPALITY.**

BY ADV. SRI.K.N.CHANDRABABU

RESPONDENTS:

1. **STATE OF KERALA REPRESENTED BY SECRETARY LOCAL ADMINISTRATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. THE MUNICIPALITY OF KOTTAYAM,
   REPRESENTED BY SECRETARY, O/O.MUNICIPAL OFFICE,
   KOTTAYAM, KOTTAYAM DISTRICT.

3. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
   THIRUVANANTHAPURAM.

4. THE DEPUTY EXAMINER OF LOCAL FUND,
   CORPORATION OF KOTTAYAM.

5. THE MUNICIPALITY OF CHANGANASSERY,
   REPRESENTED BY ITS SECRETARY, O/O.THE MUNICIPALITY
   CHANGANASSERY.

BY ADV. SRI.SIBY MATHEW for R2 & R5
SRI.A.A.MOHAMMED NAZIR
BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER OF APPOINTMENT NO.A4-19975/98/ DMOHK, DTD. 21/03/1998.

EXT.P2: COPY OF THE ORDER OF APPOINTMENT NO.B4/10400/2000 (11/11) THIRUVANANTHAPURAM DTD. 14/01/2002 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: COPY OF THE RELIEVING ORDER NO.53/2002/MOPHC NATTAKOM DTD. 10/04/2002.

EXT.P4: COPY OF THE ORDER NO.G1-781/2004 DTD. 19/02/2004.

EXT.P5: COPY OF THE ORDER G2-17763/2006 DTD. 31/05/2007.

EXT.P6: COPY OF THE JUDGMENT DTD. 19/07/2006 PASSED BY THIS HON'BLE COURT IN WP(C) NO.25715/2005.

EXT.P7: COPY OF THE ORDER NO.3148/06/LAD DTD. 08/12/2006.

EXT.P8: COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT DTD. 29/06/2007.

EXT.P9: COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT DTD. 03/07/2007.

EXT.P10: COPY OF THE APPOINTMENT ORDER NO.B4/10400/2000 (7/11) DTD. 14/01/2002.

EXT.P11: COPY OF THE RELIEVING ORDER NO.167/2002/MOI/C CHC DTD. 01/04/2002 ISSUED BY THE MEDICAL OFFICER IN CHARGE.

EXT.P12: COPY OF ORDER NO.G2 781/04 (1) DTD. 17/02/2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P13: COPY OF THE REPRESENTATION DTD. 03/07/2007 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 1ST RESPONDENT.

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EXT.P14: COPY OF THE ORDER NO.37/02 MO i/c DTD. 05/06/2002.

EXT.P15: COPY OF THE REPRESENTATION DTD. 03/07/2007 SUBMITTED BY THE 4TH PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P16: COPY OF THE GOVERNMENT ORDER GO(MS) NO.25/87/LAD DTD. 03/02/1987.

EXT.P17: COPY OF THE G.O.(MS) NO.162/87/LAD DTD. 13/07/1987.

2ND RESPONDENT'S EXHIBIT:

EXT.R2(A): COPY OF SERVICE DETAILS OF THE PETITIONERS 1 -4.

/TRUE COPY/

P.A.TO JUDGE

KSS

V.GIRI,J.

W.P (C) No. 22948 of 2007

Dated this the 26th November, 2007

J U D G M E N T

Petitioners who had originally been appointed as Junior Health Inspectors Gr.II in the Department of Health Services had later joined the Municipal Common Service in the same post. They claim protection of their pay under Rule 159 Part I of the K.S.R. According to the petitioners, the claim made by similarly situated persons was accepted by the Government, as evidenced by Exhibit-P2 order. Petitioners' claim is contained in Exhibits P8, P9, P13 and P15.

After having heard the learned Government Pleader also, this writ petition is disposed of directing the 1st respondent to consider Exhibits P8, P9, P13 and P15 and take a decision thereon, within two months from the date of receipt of a copy of this judgment. If petitioners' claim is found to be acceptable, consequential order shall also be issued.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007